

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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U.S. DISTRICT COURT
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

Plaintiff

v.

Lilly Management and Marketing LLC, dba USA Vacation station
LLC,

Defendants.

CIVIL ACTION NO.:

Plaintiff's Original complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Lilly Management and Marketing, LLC dba USA Vacation Station is a Florida corporation operating from 6236 Kingspointe Parkway, ste 9, Orlando Florida, 32819-6530 and a registered agent Kevin Lawrence 21728 Freeman Dr. Umatilla FL 32784

Jurisdiction

3. Jurisdiction of this court arises as the acts happened in this county.
4. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

5. In 2014, the Plaintiff received at least 3 automated phone calls with a pre-recorded message to the Plaintiff's cell phone which informed the Plaintiff to that the Plaintiff that he had qualified for a vacation prize. The Plaintiff has not given any authorization to be called with a pre-recorded message or automated calls to his cell phone.
6. The callers solicited the Plaintiff to go on several short trips to Florida and Mexico where he would be pitched a 90 minute timeshare presentation. Despite declining these vacation travel packages multiple times, the Defendants continued to call.
7. The Plaintiff even went so far as to speak with a supervisor and ask where they obtained his cell phone number from and how they determined that he had given them consent to call his cell phone with a automated calls and pre-recorded messages.
8. The supervisor stated that he didn't really know where they obtained the Plaintiff's cell phone number from and couldn't possibly ascertain that information. He did state that he would take the Plaintiff's number out of their system. Despite these assurances, the Plaintiff received another call from USA Vacation station shortly thereafter pitching a timeshare and vacation package.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA)

9. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
10. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded message that failed to contain the name, address, and phone number for the entity for which the calls are being place as required under the TCPA. Additionally, these calls violated the Plaintiff's request for no further calls.

COUNT II

Violations of the Telephone Consumer Protection Act (TCPA)

11. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
12. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

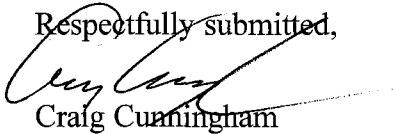
PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants

- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$100,000
- E. Attorney's fees for bringing this action as incurred; and
- F. Costs of bringing this action; and
- G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

~~828-291-7465~~ 615-348-1977

December 19th, 2014